

Water Use Advisory Council (WUAC) Meeting

Hosted by the Department of Environment, Great Lakes, and Energy (EGLE)

Tuesday, April 9, 2024

1:00 p.m.- 4:00 p.m.

Lee Walker Conference Room, North Atrium, Constitution Hall
525 West Allegan, Lansing, MI 48933

Remote Option Available Via Teams

[Click here to join the meeting](#)

Or call in (audio only)

[+1 248-509-0316, 530 369 618#](#) United States, Pontiac

Phone Conference ID: 530 369 618#

MINUTES

1. Welcome

Laura Campbell, Co-Chair, welcomed members and guests. The meeting began at 1:02 p.m. with Laura Campbell to cover items 1-6 and Pat Staskiewicz to cover items 7-12.

Quorum can be held.

2. Roll Call

WUAC Members/Alternates Present In-Person

Laura Campbell, Michigan Farm Bureau (MFB)

Pat Staskiewicz, Michigan American Water Works

Christine Alexander, EGLE

David Hamilton, The Nature Conservancy

Emily Finnell, EGLE; serving as James Clift's alternate

Rex Vaughn, Michigan Lakes and Streams Association, Inc. (MLSA)
serving as Dave Maturen's alternate

Jason Walther, Michigan Potato Industry Commission (MPIC)

Kelly Turner, MPIC; serving as Jason Walther's alternate

Frank Ettawageshik, United Tribes of Michigan

Doug Needham, Michigan Aggregates Association

Megan Napier, AKT Peerless

Megan Tinsley, Michigan Environmental Council

Rachel Proctor, Consumers Energy

Michael Ellis, Barr Engineering, Inc.

WUAC Members/Alternates Present via Teams

John A. Yellich, Michigan Geological Survey (MGS)

David Maturen, MLSA

Steve Kohler, Kalamazoo River Watershed Council

Tom Frazier

Margaret Bettenhausen, Michigan Attorney General

Buddy Sebastian, Michigan Ground Water Association

WUAC Members/Alternates Absent

James Clift, EGLE
Bryan Burroughs, Michigan Trout Unlimited
Katy Lindstrom, Barr Engineering, Inc.

WUAC Non-Members Present or Attending via Teams

Briana Hammontree, JetCo Solutions
Jim Milne, EGLE
Austen York, EGLE
Megan Cameron, EGLE
Younsuk Dong, Michigan State University (MSU)
Ross Helmer, EGLE
Ben Tirell, MFB
Joel Henry, Environmental Consulting and Technology, Inc.
Daphne Saxon
Dennis Iott
Tyler Sackett
Dwayne Loper
John McGee
Todd Feenstra
Jeremiah Asher
Simon Belisle, EGLE
Paul Sachs
Michelle Nitengale
Anna Clark, ProPublica
Lena Pappas, EGLE
Evangelia M. Murgia
Sydney Hart, EGLE
Phil Argiroff, EGLE
Christian Wagner
Jill Van Dyke, EGLE
Mike Frederick

3. Approval of Agenda-Roll Call Vote

No recommended changes for the April Agenda.

4. Approval of Minutes-Roll Call Vote Discussion

Noted changes to the February Meeting Minutes. Included updating the WUAC Conservation Edit with a strikeout on “Types of Water Stewardship” and updating member status of Megan Napier to an Alternate in attendance.

Approval of December 2023 Meeting Minutes; no changes noted.

5. Public Comment (Three Minute Limit)

No request for public comment.

6. Committee Chairs Report

a. Data Collection Committee, Megan Tinsley

Committee met following February WUAC meeting. The topic of discussion was a request for proposal for long-term data planning and what work the committee needs to do to support the project in terms of overall data and collection coordination.

Noted the draft scope of work for the 2020 recommendation to identify data gaps and prioritizing filling those gaps will be discussed at the next Data Collection Committee meeting. A draft of scope of work was developed and submitted to Bryan Burroughs and Megan Tinsley for review, with the edited document set to return to the committee for further discussion.

Noted a poll is currently open for scheduling the next meeting for attendance. Encourage those interested to participate in poll.

b. Models Committee, Dave Hamilton

Noted the site-specific review (SSR) technical work group is making progress with discussions regarding interpolating lithology and the type of data needed to do it. Discussions have also included how long the Legislature provided for SSRs, with universal agreement that the current SSR timeframe of 10 days is not enough time to work with. The Models Committee is currently trying to define these various issues. This information will be provided to the WUAC for discussion and approval to include in the WUAC's legislative report.

Noted currently working on hydraulic characteristics and working through the previous list of topics provided to the WUAC before.

A question was posed regarding status of work group for the Aquifer Performance Test. Noted currently waiting on updates from group members.

Noted the Michigan Hydrologic Framework has begun. A workgroup has been formed to provide oversight to the project. Currently meeting every two weeks to go over the project. Includes Michigan Integrated Water Management Database, which was previously another project but was combined with the Michigan Hydrologic Framework as part of a single grant agreement.

A contract has been awarded for the Transition Probability Mapping project to Barr Engineering. Work has not yet started with Barr Engineering for the project; however, a project kickoff meeting has been scheduled.

Noted still waiting on the compiling Key Aquifer Properties project to get started. Question posed if this is the project that is looking at two pilot counties originally posed. The Transition Probability Mapping project is focused on two counties, Calhoun, and Cass. Key Aquifer Properties is updating the aquifer transmissivity and storage coefficient parameters used by the Water Withdrawal Assessment Tool (WWAT).

c. New Topics Committee, Pat Staskiewicz

Measures to prevent adverse resource impacts (ARIs), as discussed in MCL 324.32723, and managed aquifer recharge are two topics which the New Topics Committee will consider.

- **MSU Water User Committee Study**

The Water User Committee Project is funded through the University of Michigan-Michigan Sea Grant and then the grant was awarded to the project team at MSU. The research team is currently working on a guidance document. It was anticipated pilot groups would be used at the end of the project, but it was unsuccessful due to time/money constraints. Information will be shared with a final report on what was provided.

Farmers of two different groups attended the initial meeting of the Water Users Pilot project with questions and concerns. The farmers did not feel that their questions or concerns were addressed during the Pilot project meeting. The two groups also submitted letters to the WUAC Chairs for those interested in reviewing them.

Noted the investment of \$400,000 of taxpayer dollars were spent on the project. Work with the project team will continue to ensure that results, final reports, and deliverables can still be completed to help inform individuals and serve as a learning process. The pilot Water User Committees were intended to be mock exercises, not to resolve any existing issues or water use issues in those given areas. The purpose was to help EGLE, Water Users, and the WUAC understand how to successfully form water use committees and use the tools within them to help the parties involved.

No specific time frame of when the project will be completed, anticipating the end of the year.

A question was posed regarding the possibility of extending the time frame and allowing individuals to gather more information and address the issues brought forward. Noted the time frame issue lies with the growing season, the availability of growers to participate in the project, and the project team to be able to gather that information and refine it to finalize into the guidebooks. There are growers who are a part of the Advisory Committee and meeting to determine what to do next. No longer financial resources or time to perform it, as it does not fall within the time frame of the project to do specific items. There is a hard stop for Michigan Sea-Grant in January 2025 and extension is not possible.

Question posed if there is an opportunity to perform a post-mortem or review materials that can be provided as an update to the WUAC.

Noted MSU Water User Committee needs to follow the U of M process first before bringing it to the WUAC. Suggested once a final report is made to reconvene a group interested in the topic and recommendations and perform an individual tabletop exercise for discussion. Discussed the impact on agriculture and the importance of inviting them to the table.

Noted updates will continue to be provided regarding the status of the project. A list of those on the Advisory Committee can be provided for those interested. Also noted the Advisory Committee and the growers were also invited to participate in other tabletop discussions as well.

Noted both groups are still interested in participating; however, if the growing season is a concern, they feel it should not be rushed due to the importance of the project.

d. Conservation and Efficiency Committee – Emily Finnell/Kelly Turner

Work continues for the 2020 recommendations. Noted that there is May 20th start date for the MSU-Extension educators regarding the increasing water conservation and efficiency practices. The remaining position is staying open as it is supposed to be held by two individuals. Noted MSU is working to convene the Advisory Committee to oversee the project.

An agreement for the Alliance for Water Efficiency Committee Best Management Plan (BMP) project and agreement was sent out. Once the agreement has been signed, will begin getting the project executed. Not anticipating an impact on project timeline.

Started working on the concepts for 2024 recommendations. Noted the 2022 recommendation for the Irrigation Pilot project in which a mobile unit would be run by two irrigation specialists to assist farmers in being more efficient and conserving more water through irrigation practices. Reviewed to provide clearer recommendations and considered questions from the WUAC previously regarding economic impact and the incentive for farmers to utilize it. Also looking at grants currently being awarded for climate work and end-of-tile research and felt that would bolster the recommendation as a part of additional background and reasoning information to convey the project's importance.

The committee is looking at inviting researchers from the MSU Institute of Water and United States Geological Survey (USGS) to gather more information on the importance of climate migration. Noted this may not serve as a recommendation for 2024, but it should be mentioned in the final report.

The committee is currently working on water and energy conservation and water-energy nexus projects. Noted committee discussed partnership with the United States Environmental Protection Water Sense program to promote resources and coordination.

The committee is currently piloting a program to help support and incentivize water conservation efficiency projects and implementing BMP projects for areas of water stress. Several speakers came in to provide discussion on water conservation efficiency practices innovation and the needs for resources. Further discussion will be held regarding potential challenges seen for growers regarding match requirements in these grants. Noted outreach has already begun with interested parties.

Noted climate migration is a huge topic with many interested parties and angles. Question posed on coordination to partner with other state agencies and how water use will fit into the discussion of climate migration. It was noted that this is being addressed by multiple agencies and perspectives. One issue being discussed is how it impacts the Great Lakes and migration. Michigan's working population is aging out along with more pressure due to remote work in rural areas, thus causing infrastructure issues related to water system issues.

Noted that the discussion of climate migration may be contextualized into the legislative report as at least a growing issue to recognize.

Noted the Great Lakes and Fresh Water week will be held from June 1 to June 9, 2024. The 2024 theme is focused on water and wellness. The event will feature a webinar on the beginning of the week focusing on tribal connections and how water is important to people coming from the Great Lake region. Kathleen Smith from the Great Lakes Indian Fish and Wildlife Commission will be presenting a webinar; details to be sent out by the committee. Later in the week a webinar will focus on water and wellness and water accessibility.

e. Implementation Committee, Doug Needham

Committee met April 1st. Many of the 2020 recommendations are being addressed or implemented in some capacity (drafted or awarded funding). The 2024 report will highlight the progress of 2020 recommendations.

Noted that the WUAC is still waiting on 2022 recommendations to receive funding for the proposed projects to move forward.

The committee will reexamine the 2022 requests and continued funding requests from 2020 projects to determine if they should be included in the 2024 report.

Clarified that from the 2022 recommendation, the MGS was funded.

Noted the updated matrix spreadsheet was completed and shared with the Implementation Committee. The spreadsheet can be made available, or a copy provided to those who are interested by contacting Laura Campbell or Doug Needham.

7. EGLE Update, Jim Milne

Clay Joupperi has left the Water Use Unit for a Geologist 12 position in Remediation and Redevelopment Division (RRD) in the Jackson District Office. Efforts are currently underway to fill this vacancy as soon as possible.

Provided a progress update for the 2020 recommendations. A project kickoff was held for the Michigan Hydrologic Framework and Michigan Integrated Water Management Database projects with MSU and the USGS. Noted the grant agreement is currently being finalized between MSU and EGLE.

Noted the contract for the Transition Probability Mapping project in Cass and Calhoun counties has been signed, with Barr Engineering, Inc., serving as the contractor for the project.

Noted a revised scope of work was provided by Bryan Burroughs to EGLE for the Long-Term Data Collecting Planning project. The revised scope of work will be discussed at a later Data Collection Committee meeting.

Noted that another meeting was held for the EGLE Groundwater Data Management system project. A contractor was selected, and a contract is currently in process. Due to confidentiality purposes, not much can be described on the project. Source of the funding for the project, \$7.1 million from the IT Investment fund is separate from the earmarked \$10.0 million to implement 2020 WUAC recommendations.

Noted AquaBounty has gotten a permit from Ohio Department of Natural Resources and EGLE provided comments in response to the public notice for the permit application. Currently USGS and EGLE are in the process of obtaining property access from private citizens and local government in Michigan to have RRD Geological Services Section drill monitoring wells in AquaBounty's predicted zone of impact in Michigan. A memorandum of understanding (MOU) is being finalized with the RRD and WRD to perform drilling, and drilling shall be scheduled in the second half of June.

a. Zone-D Watershed Management Area (WMA) Regulatory Discussion

Noted there are several actions that EGLE will perform before confirming if a watershed is in a Zone-D area. EGLE performs a compliance review examining photos, registrations, well logs, and water use reporting data. Noted EGLE has recalculated stream flow depletions using the best available parameter values in some of the Zone D WMAs and will be recalculating stream flow depletions in the other Zone D WMAs.

As of March 2024, 14 areas were identified as Zone-D watershed. Stream gages are anticipated to be installed in three other WMAs. A meeting will be held to look at the next joint funding agreement to examine continuous streamflow and for EGLE/USGS to perform miscellaneous (one-time) streamflow measurements.

Some WUAC members asked what "Bedrock Auto Pass Correction" means (as the reason why a WMA is in Zone D). The WWAT was originally designed with a bedrock autopass feature that would automatically pass bedrock groundwater withdrawals pumping from the Marshall and Saginaw Formation bedrock aquifers (which were assumed to not be hydraulically connected to surface water). This assumption is not correct in some areas (e.g., near Marshall). As noted in the 2014 WUAC report, the bedrock autopass feature was disabled and DEQ (now EGLE) accounted for the depletions from bedrock wells in areas where the bedrock aquifers are hydraulically connected to surface water.

A revised index flow is calculated when EGLE first receives an SSR request. Some WMAs are currently in Zone D because the revised index flow value came back significantly lower than the WWAT's estimate. WMA 11744 was split into WMAs 11744 and 11745, with new depletions calculated for both WMAs, because the original WMA 11744 boundaries included a streamline which was not connected with the other streamlines in WMA 11744. Some WUAC members asked what "Oct-July Correction, Recalculated Depletions" meant as the reason

why some of the WMAs are currently in Zone D. One WUAC member expressed concern that EGLE was following the statutory requirements when it recalculated the WMA depletions.

New or increased large quantity withdrawals (LQW) were prohibited from causing an ARI beginning February 28, 2006. Beginning October 1, 2008, DEQ (now EGLE) began tracking new or increased LQWs and account for their stream flow depletions by WMA [MCL 324.32706e (a)]. Depletions from new or increased LQWs installed between October 1, 2008, and February 1, 2009, are accounted for, but the WMA ARI zone limits were adjusted on February 1, 2009, so that no WMAs go into Zone D [MCL 324.32706e (b)]. ARI standards based on the characteristic fish curves went into effect on February 1, 2009 [MCL 324.32701 (1)(a)(ii)]. MCL 324.32722 (1) has a rebuttable presumption that new or increased LQWs will not cause an ARI if they are at least 1,320 feet away from a stream or have at least 150 feet of well casing. New or increased LQWs installed between February 2, 2009, and July 8, 2009, are tracked and can cause WMAs to go into Zone D, but the 1,320 feet (horizontal) and 150 feet (vertical) rebuttable presumptions still apply. Since the WWAT went live on July 9, 2009, new or increased LQWs are prohibited from going into operation if an SSR or alternative analysis (MCL 324.32706c) results in a Zone D determination.

Noted that all Zone B cold-transitional and Zone C determinations will not pass the WWAT. New or increased LQWs resulting in a Zone D determination cannot go into operation. Noted if that property owner has existing baseline capacity and/or registered capacity in the same WMA, that capacity could be given up when registering new LQW capacity.

Initial response actions will be to focus on stream flow measurements. This includes collecting miscellaneous stream flow measurements and installing stream gages. Water Use Assessment Unit staff will be prioritizing Zone D WMAs for updating stream flow depletions based on the best available data.

Noted several future response actions could be involved including groundwater data collection (slug tests, monitoring wells, aquifer pumping test, and streambed conductance); groundwater/surface water modeling; statistical analysis of stream flow; and joint public/private/institutions funded projects. These and other possible future response actions need to be discussed further in the committees and/or work groups.

Question posed on analyzing additional measurements and how it is determined. Noted an example would be looking at original streamflow at "Time A" and then looking at again to see if it changed. No work has currently been done. The Data Collection and/or Models Committees could assist in performing this task.

Question posed on Aquabounty project about the status of the RRD drilling dates and type of drill rig. Confirmation on both was provided. Noted MGS could collect the cores after RRD Geological Services is done visually logging and field screening the core sections. Question on how the hole would be logged. Noted the plan is to have RRD conduct downhole gamma-logging. RRD agreed with recommendation to visually log and field screen and turn over cores to MGS for storage. RRD will coordinate with MGS.

Noted meeting in Detroit in May regarding the Michindoh Aquifer (the aquifer that will be pumped by AquaBounty) has been shared with the EGLE tribal liaison.

Question posed about determining where stream gages are installed in depleted WMAs. Noted EGLE and USGS will evaluate potential stream gage locations. There are budgetary and practical restrictions on where and how many stream gauges can be installed in a stream.

A WUAC member commented that further analyses need to be made in Zone D WMAs because of the complexity of why stream flow decreased. The analyses should not rely solely on stream flow measurements.

Question posed on how EGLE validates that an ARI is likely to happen in these WMAs. Noted multiple tests may be involved to determine various factors and would then look at streamflow and determine where the cone of depression from a well would intercept the stream. A deep dive may be required in the committees and/or work groups.

Note how many watersheds are one more LQW away from a Zone-D (such as Zone-C). Suggested to provide an update on the report where watersheds are near hitting Zone-D status. Noted measuring precipitation rates with additional weather stations could prove beneficial.

Noted farmer's main priority was determining how they validate they have Zone-D.

Noted MSU Water Alliance provides brainstorming sessions with an upcoming session to be held in May. Noted this may be an opportunity to coordinate with the alliance to inform the group on the types of research they could potentially investigate and apply regarding water depletion and Zone-D work. Laura noted she is currently appointed as a member of MSU Water Alliance and information can be provided to her to take to the meeting.

Discussion at the Water Conservation and Efficiency Committee as it would be helpful to look at water use trends, etc. and inform the full WUAC.

Noted individuals who want to bring up special topics to refer to Pat Staskiewicz, Laura Campbell, or Bryan Burroughs so it can be elevated for discussion at future WUAC meetings.

8. Water Use Advisory 2022 Recommendation Budget Update

Discussion held on the budget update for 2022 recommendation.

Special election coming up which means that the Legislature may move quickly on the budget. More committee hearings will be held for further budget details. Anticipating the budget will be done June/July 1st.

9. EGLE Appointment Update

Noted appointment letters in process for EGLE. Confirmed internally that non-voting members do not need a formal appointment process; will touch base through email for updates on individuals.

10. Future

a. 2024 Meeting Dates (at Con Hall unless others offer to host)

***Quorum critical meetings**

- **June 11, 2024***
- **August 13, 2024 – Anticipated Committee Topics List for Final Report Due**
- **September 10, 2024***
- **October 8, 2024***
- **November 12, 2024***
- **December 10, 2024**

August 13th Meeting:

Request to provide notes for recommendations to the Implementation Strategy Committee for a first draft of the report. This will be used for consensus at a later meeting.

Noted to connect with Dave Hamilton for training or background information needed for new members so they can understand the processes.

b. Formats

No formats update.

c. Quorum

d. Officers for WUAC

Noted there are no by-laws for the Executive Committee. If there is a more formal procedure wanted, the Tri-chairs can put something together. Determined current procedure works.

Noted having at least three members for Tri-Chair positions works for the WUAC.

Suggested that conversations be held between now and the next meeting (June) and should be held with their leadership team. Nominations would be submitted and updated by EGLE.

An email will be sent to members regarding positions. Tri-chair will coordinate with EGLE to get it published. Votes will include nominations for WUAC chairs and committee chairs and co-chairs. Noted EGLE representatives, WUAC chairs and co-chairs can be part of the Executive Committee.

11. Open Comments (Three Minute Limit)

The Potato Growers of Michigan is hosting a Food and Facts tour on June 14, 2024. The tour will begin in Kalkaska and end in Traverse City. They will begin with visiting the IOTT Potato Farm and feature a water tutorial. A catered lunch will follow at IOTT's storage facility. Additionally, the tour will cover the Great Lakes Potato Chip Company and the Grand Traverse Distillery.

If interested, send a message to Kelly Turner.

Frank Ettawageshik will not be present for the June 11 meeting.

12. Motion to Adjourn

Pat made a motion to adjourn at 2:59 p.m.